

**ASSEMBLY BILL**

**No. 1337**

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**Introduced by Assembly Member Evans**

February 27, 2009

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An act to amend Section 18370 of, and to add Section 319.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1337, as introduced, Evans. Elections: electioneering.

Existing law makes it a crime to conduct certain political activities within 100 feet of a polling place while the polls are open on election day. Electioneering is one of the activities prohibited by these provisions.

This bill would provide a definition of electioneering.

Because this bill would change the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 319.5 is added to the Elections Code, to
- 2 read:
- 3 319.5. "Electioneering" means the bringing of any readily
- 4 visible information into a polling place, an elections official's

1 office, a satellite location under Section, 3018 or within 100 feet  
2 of a polling place, an elections official’s office, or a satellite  
3 location, that advocates for or against any candidate or measure  
4 on the ballot. Prohibited information includes, but is not limited  
5 to, buttons, hats, pencils, pens, shirts, signs, and stickers.

6 SEC. 2. Section 18370 of the Elections Code is amended to  
7 read:

8 18370. No person, on election day, or at any time that a voter  
9 may be casting a ballot, shall, within 100 feet of a polling place  
10 or an elections official’s office:

11 (a) Circulate an initiative, referendum, recall, or nomination  
12 petition or any other petition.

13 (b) Solicit a vote or speak to a voter on the subject of marking  
14 his or her ballot.

15 (c) Place a sign relating to voters’ qualifications or speak to a  
16 voter on the subject of his or her qualifications except as provided  
17 in Section 14240.

18 (d) Do any electioneering *as defined by Section 319.5*.

19 As used in this section, “100 feet of a polling place or an  
20 elections official’s office” means a distance 100 feet from the room  
21 or rooms in which voters are signing the roster and casting ballots.

22 Any person who violates any of the provisions of this section is  
23 guilty of a misdemeanor.

24 SEC. 3. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

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